

Chad McKinney
Pro Se
6266 Madeline St Apt #61
San Diego, CA 92115
619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

CHAD MCKINNEY, an individual,

Plaintiff,

v.

APOLLO GROUP INC., UNIVERSITY OF
PHOENIX, a Corporation, MECHELLE
BONILLA, an Enrollment Manager at
UNIVERSITY OF PHOENIX, KYAN
FLYNN, Director of Enrollment at
UNIVERSITY OF PHOENIX, APRIL
ALCORN, an Employee Relations
Consultant at UNIVERSITY OF PHOENIX
CARLYN LINDSTEN, Associate Director of
Enrollment at UNIVERSITY OF PHOENIX

Defendants

) CIV. Case No.07-cv-2373 • *WQH*
)
) FOR VIOLATION OF FEDERAL
) FALSE CLAIMS ACT AND FOR
) VIOLATION OF THE
) THE CIVIL RIGHTS ACT 1964 AND
) THE AMENDMENTS TO TITLE
) VII OF THE CIVIL RIGHTS ACT OF
) 1991

)
) RETALIATION- WRONGFUL
) TERMINATION &
) EMPLOYMENT DISCRIMINATION
) CIVIL ACTION

) **Plaintiff's Motion for Clerk's**
) **Entry of Default**

) Demand for Trial By Jury Pursuant
) to U.S. Constitution, 7th Amendment

) March 12, 2008
)
)
)

PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT

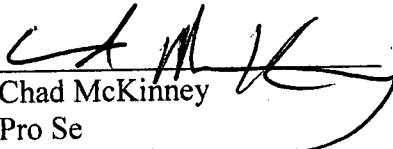
Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant Kyan Flynn, in the amount of \$5,000 since the Defendant has failed to plead or otherwise defend herself against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19th 2007 and entered December 20th. The defendant was served on January 31, 2008. (Please see copy of Return of Service).

In support of this motion, the Plaintiff states with supporting evidence:

1. This complaint was filed on December 19, 2007
 2. This complaint was properly served on January 31, 2008
 3. As of the 12th of March 2008, the Defendant is late 42 days.
 4. The plaintiff's complaint requests punitive damages of \$5,000, so a default judgment in this amount should be deemed reasonable.
 5. Said defendant is not an infant or incompetent, but an individual who was given ample time to respond within the timeframe required by the Federal Rules of Civil Procedure.
- No extra time was requested by the defendant nor granted by the Court.

1 WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default
2 against the Defendant in the amount of \$5,000 to reasonably cover the damages incurred by
3 the plaintiff.

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5 Respectfully submitted,

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7 
8 Chad McKinney
9 Pro Se
6266 Madeline St Apt #61
San Diego, CA 92115
619-634-3566

FILED

2008 MAR 12 PM 4:47

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY YMH DEPUTY

Chad McKinney
Pro Se
6266 Madeline St Apt #61
San Diego, CA 92115
619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

CHAD MCKINNEY, an individual,

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v.

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) Memorandum of Points and
) Authorities in Support of Plaintiff's
) Motion for Clerk's Entry of Default

) Demand for Trial By Jury Pursuant
) to U.S. Constitution, 7th Amendment

) March 12, 2008

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT PLAINTIFF'S
MOTION FOR CLERK'S ENTRY OF DEFAULT**

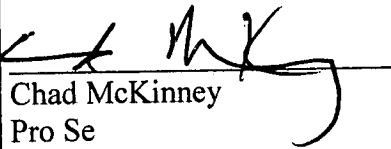
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5 Respectfully submitted,

6
7 
8 Chad McKinney
9 Pro Se
6266 Madeline St Apt #61
San Diego, CA 92115
619-634-3566

CERTIFICATE OF SERVICE

I, Chad McKinney, hereby certify that on, March 12, 2008, I served copies of the motion for Clerks entry of default on the following parties by way of United States Postal Service First Class Mail:

University of Phoenix;
Attention of: Kyan Flynn
3890 Murphy Canyon Road
San Diego, CA 92123

1 Chad McKinney
2 Pro Se
3 6266 Madeline St Apt #61
4 San Diego, CA 92115
5 619-634-3566

6 **THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA**

7 **March 12, 2008**

8 **BY HAND DELIVERY**

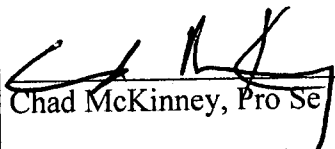
9 The Honorable Judge William Q. Hayes
10 Referred to: Magistrate Judge Cathy Ann Bencivengo
11 330 West Broadway, San Diego
12 CA 92101-3827

13 Re: McKinney v. Apollo Group Inc., *et al*
14 Civil Action 07-cv-2373

15 Dear Judge Hayes,

16 Enclosed is a courtesy copy of the Plaintiff's Motion for Clerk's Entry of Default Judgment and
17 appendices that was hand delivered with the Clerk today.

18 Respectfully,

19 
20 Chad McKinney, Pro Se

21 Cc: Apollo Group, Inc.
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